



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAZARENKO *et al.*

Appl. No. 10/026,952

Filed: December 27, 2001

For: **Primers and Methods for the
Detection and Discrimination of
Nucleic Acids**

Confirmation No. 7365

Art Unit: 1623

Examiner: To be assigned

Atty. Docket: 0942.4980006/RWE/AGU

Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith are 60 sheets of formal drawings with Figures 1A-1B, 2A-2B, 3-4, 5A-5C, 6-12, 13A-13B, 14-15, 16A-16B, 17A-17B, 18A-18D, 19A-19D, 20A-20D, 21, 22A-22B, 23, 24A-24B, 25A-25B, 26A-26B, 27A-27C, 28-38, 39A-39C, 40, 41A-41B, 42A-42D, 43A-43B, 44A-44B, 45, and 46, corresponding to the informal drawings submitted with the above-captioned application. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: April 30, 2002

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SKGF_DC1:8886.1



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April 30, 2002

WRITER'S DIRECT NUMBER:
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Washington, D.C. 20231

Box Missing Parts

Re: U.S. Non-Provisional Patent Application
Appl. No. 10/026,952; Filed: December 27, 2001
For: Primers and Methods for the Detection and Discrimination of
Nucleic Acids
Inventors NAZARENKO *et al.*
Our Ref: 0942.4980006/RWE/AGU
Art Unit: 1623

Sir:

In reply to the Notice to File Missing Parts of Application--Filing Date Granted and
Notice to Comply with Sequence Rules dated January 31, 2002, Applicants submits the
following documents for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal Form PTO/SB/17;
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Copy of the Notice to File Missing Parts;
4. Preliminary Amendment;
5. Letter to PTO Draftsman: Submission of Formal Drawings;
6. 60 sheets of Formal Drawings with (Figures 1A-1B, 2A-2B, 3-4, 5A-5C,
6-12, 13A-13B, 14-15, 16A-16B, 17A-17B, 18A-18D, 19A-19D, 20A-
20D, 21, 22A-22B, 23, 24A-24B, 25A-25B, 26A-26B, 27A-27C, 28-38,
39A- 39C, 40, 41A-41B, 42A-42D, 43A-43B, 44A-44B, 45, and 46);

Commissioner for Patents
 April 30, 2002
 Page 2

7. Paper and computer readable copy of Sequence Listing;
8. Five (5) Original Declarations, executed by the inventors;
9. An original executed Power of Attorney from Assignee;
10. Assignee 37 C.F.R. § 3.73(b) Statement with copy of Five (5) Assignments attached;
11. Our Check No. 35016 for \$3,732.00 to cover:
 - \$ 740.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)
 - \$ 110.00 Extension of Time fee;
 - \$2,752.00 Fee for excess claims (37 C.F.R. § 1.16); and
 - \$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and
12. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond
 Attorney for Applicants
 Registration No. 32,893

Enclosures

SKGF_DC1:8750.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEET TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$3,732.00)

Complete if Known

Application Number	10/026,952
Filing Date	December 27, 2001
First Named Inventor	Irina NAZARENKO
Examiner Name	To be assigned
Group Art Unit	1623
Attorney Docket No.	0942.4980006/RWE/AGU

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number	19-0036
Deposit Account Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.

Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

Applicant claims small entity status
See 37 CFR 1.27

FEE CALCULATION (continued)

3. ADDITIONAL FEES
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	\$130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 240.00)

** or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Robert W. Esmond	Registration No. (Attorney/Agent)	32,893	Telephone	202-371-2600
Signature			Date	April 30, 2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SKGF Rev. 10/01/01 mmac

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APR 30 2002

10023797 .05 Page 0 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/026,952	12/27/2001	Irina Nazarenko	0942.4980006

26111
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CONFIRMATION NO. 7365
FORMALITIES LETTER

OC00000007396160

Date Mailed: 01/31/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2752.
 - \$1296 for 72 total claims over 20.
 - \$1176 for 14 independent claims over 3 .
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 3622.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

05/02/2002 YPOLITE1 0000004 10026952

01 FC:101

740.00 DP
1176.00 DP

02 FC:102

1296.00 DP

03 FC:103

130.00 DP

04 FC:105

280.00 DP

104

280

60

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE